

**Page Denied**

Amendment No. 21: Amends House language stricken by the Senate to restore the status quo in regard to the disbursement of funds for police expenses.

The conferees agree that the police salaries and expenses budgets will be treated as joint items. For fiscal year 1989, the general expenses expenditures will continue to be disbursed by the Clerk of the House, the historical arrangement, and subject to the customary oversight and controls over those disbursements. The conferees have also added several additional provisions. One provides the traditional death gratuities to the widows of recently deceased members of the House of Representatives; the second clarifies the intent of Congress in directing the development of a telecommunications system for the legislative branch that will be subject to the approval of the appropriate committees of Congress; the third establishes a position in the office of the Attending Physician; the fourth provides an additional \$2,000,000 for the presidential transition; and finally, authority is provided for the establishment of a national garden at the Botanic Garden.

Amendment No. 22: Deletes language proposed by the Senate establishing and amending the jurisdiction and procedures of the Capitol Police Board and the Capitol Police. The conferees agree that a consolidation of this authority, together with appropriate oversight by the Committees of Congress with jurisdiction in this matter, is desirable. Since this proposal is complex and far reaching, however, the conferees believe that this matter deserves proper deliberation by the authorizing committees. Consequently, the Committee of Conference directs the Capitol Police Board to refer this proposal together with necessary and sufficient background material and justifications to the authorizing committees as soon as practicable, but in no event later than January 1, 1989, with a request that hearings be held for the purpose of developing a suitable legislative proposal that may be considered by the House and Senate.

Amendment No. 23: Deletes language proposed by the House and stricken by the Senate regarding a drug free workplace. The conferees strongly agree with the intent of the provision included by the House. However, this issue has been satisfactorily dealt with in section 628 of the Treasury, Postal Service, and General Government Appropriations Act, 1989 (H.R. 4775; conference report 100-881). Section 628 of that Act covers all Federal entities, including the House of Representatives, the Senate, and all other legislative branch agencies.

Amendment No. 24: Section 311 was added on the House floor for the evident purpose of protecting CBO from pressure and intimidation respecting the content of its reports. The managers fully support this purpose but wish to make clear that the section is not intended to, and does not, change or in any way affect any of the duties and responsibilities imposed on CBO by the Congressional Budget Act of 1974, as amended.

Furthermore, Section 311 is limited in its reach to those cases in which a bipartisan request of a committee or a Member has specifically requested information from CBO, and an receiving that information there is a one-party request for CBO to add to, delete, or alter it, except to correct errors or provide new or updated information. In those circumstances, Section 311 prohibits CBO funds from being used to comply with the later request.

Finally, Section 311 does not change CBO's present authority to correct any

previously furnished.

Amendment No. 25: Deletes language proposed by the Senate amending the Federal Salary Act of 1967.

Amendment No. 26: Makes two technical corrections in the Senate language and adds a provision to require absorption of pay raises within levels appropriated.

#### PROGRAMS, PROJECTS AND ACTIVITIES

Under the principle established in section 306 of the Legislative Branch Appropriations Act for 1988, for purposes of the definition required by section 252 (a) (1) (B) (i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (P. L. 99-177, as amended), the conferees agree that the accounts under the general heading "House of Representatives" shall be considered one combined appropriation account and the accounts under the general heading "Senate" shall be considered one combined appropriation account, and the term "program, project, and activity" shall apply to each combined account.

#### CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1989 recommended by the Committee of Conference, with comparisons to the fiscal year 1988 amount, the 1989 budget estimates, and the House and Senate bills for 1989 follow:

New budget (obligational) authority, fiscal year 1988.....	\$1,745,501,500
Budget estimates of new (obligational) authority fiscal year 1989.....	1,906,329,200
House bill, fiscal year 1989.....	1,400,152,000
Senate bill, fiscal year 1989.....	1,778,331,200
Conference agreement, fiscal year 1989.....	1,804,624,200
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1988.....	+59,122,700
Budget estimates of new (obligational) authority, fiscal year 1989.....	-161,705,000
House bill, fiscal year 1989.....	+404,472,200
Senate bill, fiscal year 1989.....	+26,293,000

VIC FAXIO,  
DAVID R. OMRY,  
BILL ALEXANDER,  
JOHN P. MURTHA,  
BOB TRAXLER,  
LARRY BOGGS,  
JAMIE WHITTIER,  
JERRY LEWIS,  
SILVIO O. CONTRA,  
JOHN T. MYERS,  
JOHN EDWARD PORTER.

#### Managers on the Part of the House

DALE BUMPERS,  
BARBARA A. MIKULSKI,  
HARRY REID,  
CHARLES GRASSLEY,  
MARK O. HATFIELD,  
TED STEVENS.

#### Managers on the Part of the Senate

#### CONFERENCE REPORT ON H.R. 4781

Mr. CHAPPELL submitted the following conference report and statement on the bill (H.R. 4781) making appropriations for the Department of Defense for the fiscal year ending Sep-

tember 30, 1988.

Amended by H. R. 4781, and for other purposes.

CONFERENCE REPORT (H. REPT. 100-1002)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4781) making appropriations for the Department of Defense for the fiscal year ending September 30, 1989, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 16, 17, 20, 24, 26, 27, 30, 32, 33, 39, 59, 68, 74, 76, 82, 86, 101, 109, 110, 111, 114, 115, 116, 117, 118, 121, 122, 123, 124, 125, 126, 127, 130, 132, 133, 134, 135, 136, 137, 174, 175, 176, 215, 224, 231, 246, 251, 255, 262, 265, 266, 267, and 268.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 15, 18, 28, 29, 31, 34, 41, 43, 46, 47, 48, 51, 52, 54, 56, 62, 64, 66, 70, 75, 78, 84, 85, 96, 97, 98, 99, 106, 107, 120, 129, 146, 145, 165, 200, 201, 202, 204, 216, 222, and 226, and agree to the same.

Amendment numbered 2:  
That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert \$18,962,456,000; and the Senate agree to the same.

Amendment numbered 6:  
That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert \$34,200,000; and the Senate agree to the same.

Amendment numbered 14:  
That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows:

In lieu of the sum deleted by said amendment insert \$22,063,436,000; and the Senate agree to the same.

Amendment numbered 22:  
That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert \$1,817,000,000; and the Senate agree to the same.

Amendment numbered 25:  
That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert \$7,635,973,000; and the Senate agree to the same.

Amendment numbered 37:  
That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert \$2,830,321,000; and the Senate agree to the same.

Amendment numbered 38:  
That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert \$2,012,970,000; and the Senate agree to the same.

Amendment numbered 40:  
That the House recede from its disagreement to the amendment of the Senate num-

## CONGRESSIONAL RECORD — HOUSE

H 8535

*Section 838 of "An Act Making Appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President and Certain Independent Agencies, for the Fiscal Year ending September 30, 1989, and for Other Purposes," is hereby amended to add the following at the end thereof: "(c) This section shall be effective on January 16, 1979."*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 258: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

*Sec. 8132. In applying any rule of statutory construction, the provisions of Title I through IX of this Act shall be deemed to have been enacted after the provisions of the Department of Defense Authorization Act, Fiscal Year 1988 as set forth in Title X of this Act or as set forth in H.R. 4481 regardless of the actual dates of enactment concerned.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 259: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the section number named in said amendment, insert: 8133

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees agree to Senate language which establishes minimum levels of procurement of polyacrylonitrile (PAN) from domestic sources by year through 1992.

Amendment No. 260: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the section number named in said amendment, insert: 8134

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This section reduces funds available to the Department of Defense by \$30,000,000 and directs the Secretary to allocate the reduction to reflect savings resulting from the increased use of discount air fares.

Amendment No. 261: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

*Sec. 8135. None of the funds made available to the Department of Defense in this Act may be used to plan, design, or procure more than one type of Air Force trainer aircraft.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The Senate provision prohibited the obligation of funds for the tanker, transport, trainer system unless requirements for bomber pilot training were also included.

The House did not address this provision. Amendment No. 262: Deletes Senate language which expresses sense of the Senate that the Congress should pass legislation to provide a military pay raise of 4.1 percent for basic pay and basic allowance for subsistence and 7 percent for basic allowance for housing.

Amendment No. 263: Reported in technical disagreement. The managers on the part

of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the section number named in said amendment, insert: 8136

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This section requires that statements, press releases, requests for proposals, bid solicitations, and other documents clearly state the dollar amount and the percentage of the total cost of the program or project with Federal funds.

Amendment No. 264: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

*Sec. 8137. The total amount appropriated to or for the use of the Department of Defense by this Act is reduced by \$150,000,000 to reflect savings resulting from the decreased use of consulting services by the Department of Defense. The Secretary of Defense shall allocate the amount reduced in the preceding sentence and not later than March 1, 1989, report to the Senate and House Committees on Appropriations how this reduction was allocated among the Services and Defense Agencies.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Consulting and Advisory Services.—The conferees agree with the intent of the Senate reduction for consulting and advisory services, however, are unable to determine what impact a cut of 15 percent below fiscal year 1987 levels would have on military readiness.

Whereas extensive hearings have been conducted by other congressional committees, to date none have been held by the Appropriations Committees. The conferees do, however, agree with the Senate's position that the Department of Defense is spending far too much for outside consulting services and that the Department must reduce the over \$2,500,000,000 it spends annually on these services. The conferees further agree that they must act now to encourage the Department to reduce these expenditures and begin prioritizing their requirements. The conferees have agreed to a general provision which reduces the total funds appropriated by the Act for the Department of Defense by \$150,000,000 and directs the Secretary of Defense to allocate this reduction among the services for consulting and advisory services.

Acquisition Personnel.—The conferees agree with the stated position of the Department of Defense regarding "Bid to Performance"—or the use of performance specifications. This approach seems to offer substantial opportunities for significant savings of time and money in defense acquisition programs by reducing detailed specifications and enabling industry to exercise initiative in developing creative solutions to technical problems. This approach also allows the Department to reduce the number of both military and civilian personnel involved with the acquisition of defense systems. The Department has developed guidelines which identify the personnel involved with the determination of requirements and development of specifications for weapon systems. The Department should achieve savings by reductions in the number of acquisition personnel.

Amendment No. 265: Deletes Senate language which would have transferred funds from several procurement accounts to support the Wartime Host Nation Support

agreement between the United States and the Federal Republic of Germany.

Amendment No. 266: Deletes Senate language which provided discretionary authority for the Agency for International Development (AID) to use excess DoD foreign currencies.

The Secretary of State and Administrator of the Agency for International Development (AID) are urged to consider how excess United States-owned foreign currencies could be used to support the education of American dependents abroad. Such use should be addressed in the report requested by the fiscal year 1989 Foreign Operations Appropriation report regarding this issue.

Amendment No. 267: Deletes language proposed by the Senate which provides a cap on Independent Research and Development/Bid and Proposal (IR&D/B&P) costs. However, the Department of Defense is requested to submit to the House and Senate Committees on Appropriations a report on the IR&D/B&P program including long-range objectives and recommendations for IR&D/B&P funding.

Amendment No. 268: Deletes Senate language on close air support. The House and Senate Appropriations Committees will address the issue of close air support aircraft as part of hearings on the fiscal year 1990 budget request next year.

Amendment No. 269: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of section number 8133 named in said amendment, insert: 8138

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This section allows the Department to recoup expenses paid on behalf of the Soviet Union in execution of the INF Treaty.

Amendment No. 270: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

*Sec. 8139. Section 3554 of Title 31, United States Code, is amended in subsection (a)(1), by striking out "unless the Comptroller General determines and states in writing the reasons that the specific circumstances of the protest require a longer period."*

The managers on the part of the Senate will offer a motion to concur in the amendment of the House to the amendment of the Senate.

The conferees agree to Senate language which limits the length of time the Comptroller General can stay a procurement under bid protest to 90 days.

The conferees also agree to delete Senate language which addressed the payment of legal fees, bid preparation cost, and agency notification of non-implementation of payment of costs recommendations since these matters are under the jurisdiction of other committees of the House and Senate.

Amendment No. 271: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of section number 8136 named in said amendment, insert: 8140

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This section amends section 2345 of the Military Construction Authorization Act,